

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

October 19, 1999

DOCKET FILE COPY ORIGINAL

86-285

OFFICE OF
MANAGING DIRECTOR

Mr. Mark T. Brady, President
Pro-Radio, Inc.
P.O. Box 150
Middlebury, VT 05753

Re: Request for Waiver of Regulatory Fees
Pro-Radio, Inc.
Fee Control No. 000000BCB-99-001

Dear Mr. Brady:

This is in response to the request for waiver of the Fiscal Year (FY) 1997 regulatory fee filed on behalf of Pro-Radio, Inc., licensee of Radio Stations WFAD-AM and WMNM-FM, Middlebury, Vermont. We apologize for failing to respond to your request in a timely manner.

Your request stated that Pro-Radio had filed for bankruptcy on January 2, 1997 and remained in bankruptcy. Your attorney, Bernard M. Lewis, has subsequently provided us with information from the Vermont Bankruptcy Court confirming that Pro-Radio remains in bankruptcy as of August 26, 1998.

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 ¶ 14 (1995), the Commission determined that it would waive the regulatory fees for licensees whose stations are bankrupt, undergoing Chapter 11 reorganizations or are in receivership. Accordingly, your request is granted and the FY 1997 regulatory fees for Pro-Radio are waived. Please retain a copy of this letter for your records and include it with any correspondence to the Commission pertaining to regulatory fees or related matters.

The waiver will remain in effect for so long as Pro-Radio remains in bankruptcy and is the licensee for radio stations WFAD and WMNM. You should note that the waiver ends with the sale or transfer of the radio stations or dismissal of the bankruptcy action. You have a continuing obligation to inform the Commission of any change in your status.

Mr. Mark T. Brady, President

2.

If you have any questions concerning the waiver, please call the Credit & Debt Management Center at 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

cc: Bernard M. Lewis, Esq.
Obuchowski Law Office
P.O. Box 60 Route 107
Bethel, VT 05032

000000BCB-99-001

Handwritten signature

PRO-RADIO, INC.

**WFAD-AM ... WMNM-FM
P.O. BOX 150 MIDDLEBURY VT 05753**

Claudette Pride
Chief, F.C.C. Fee Section
Federal Communications Commission
1919 M Street, N.W. -- Room 452
Washington DC 20554

March 25, 1998

RECEIVED
JUN 32 10 20 AM '98
FEDERAL COMMUNICATIONS COMMISSION

Dear Ms. Pride,

I am in receipt of your letter of March 6, 1998, regarding outstanding regulatory fees for my radio stations WFAD-AM, WMNM-FM.

A letter to The Commission of September '97 is attached reflecting the bankruptcy status of our corporation, and inability to pay the fees.

We remain in bankruptcy, and have actually relinquished management control of the properties, so we also have no income source.

We regret this unfortunate situation, and would respectfully ask for your understanding, considering the circumstances.

Sincerely yours,

Handwritten signature: Mark T. Brady
Mark T. Brady
President

Enclosure a/s

WFAD

1490 AM

CBS RAD 

Federal Communications Commission
1919 M Street N.W.
Washington DC 20054

September 12, 1997

Re: Regulatory Fees WFAD-AM, WMNM-FM

Dear Sir or Madam,

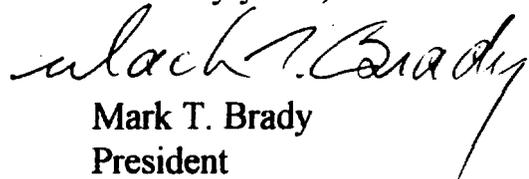
Our radio stations filed for bankruptcy protection on January 2nd of this year, the first corporate filing in the State of Vermont for 1997. We're endeavoring to sell the properties, but continue to experience severe economic conditions that all but prohibit our ability to remain operational.

The stations were scheduled to be sold a year ago to John Goodwill and Pathfinder Communications. After being off-the-market for ten (10) months, and following Commission approval for the transfer of the licenses, Goodwill finally admitted in December, that he couldn't perform.

We are unable to fulfill our weekly payroll requirements and have labored under these conditions now for several months. We are doing everything within our power to remain operational and serve our respective communities in accordance with the requirements of our license.

At the present time we do not have the revenues to pay our required regulatory fees for 1997, and would respectfully request a waiver, under the circumstances of our severe economic hardship.

Sincerely yours,


Mark T. Brady
President



Federal Communications Commission
Washington, D.C. 20554

March 6, 1998

Dear Licensee:

This letter is in reference to the annual payment of your 1997 regulatory fee(s) which were due to the Federal Communications Commission (FCC) on September 19, 1997.

The FCC is currently verifying its FY '97 regulatory fee collections to identify those regulatees who have not paid. That process includes, but is not limited to, database verification, hard copy documentation research, review of fee-exempt certifications, and review of waivers requested and fee decisions issued.

After a close examination of our records, we have determined that there is no record of payment of your regulatory fee(s) for the following stations:

WFAD	Middlebury, VT	\$200
------	----------------	-------

Payment in full should be remitted with the enclosed Form 159 to Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, according to the payment instructions, within twenty days of the date of this letter. You should also review your records to ensure that payments have been made for auxiliary stations associated with this call sign, for any other call signs assigned to you or for any prior fiscal years for which payments may be due. You should submit all payments that may be due.

If payment has been made, please provide a complete copy of your submission including proof of payment. If you believe you are not obligated to pay under the Commission's rules, please submit complete documentation supporting your position within twenty days of the date of this letter. These documents should be sent to:

Chief, Fee Section
Federal Communications Commission
1919 M Street, N.W. - Room 452
Washington, DC 20554

If I may be of any further assistance, you may call me at 202/418-1995

Claudette Pride
Chief, FCC Fee Section

Enclosures



Federal Communications Commission
Washington, D.C. 20554

March 6, 1998

Dear Licensee:

This letter is in reference to the annual payment of your 1997 regulatory fee(s) which were due to the Federal Communications Commission (FCC) on September 19, 1997.

The FCC is currently verifying its FY '97 regulatory fee collections to identify those regulatees who have not paid. That process includes, but is not limited to, database verification, hard copy documentation research, review of fee-exempt certifications, and review of waivers requested and fee decisions issued.

After a close examination of our records, we have determined that there is no record of payment of your regulatory fee(s) for the following stations:

WMNM	Port Henry, NY	\$800
------	----------------	-------

We request that payment in full be remitted with the enclosed Form 159 to Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, according to the payment instructions, within twenty days of the date of this letter. You should also review your records to ensure that payments have been made for auxiliary stations associated with this call sign, for any other call signs assigned to you or for any prior fiscal years for which payments may be due. You should submit all payments that may be due.

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Chief, Fee Section
Federal Communications Commission
1919 M Street, N.W. - Room 452
Washington, DC 20554

If I may be of any further assistance, you may call me at 202/418-1995

Claudette Pride
Chief, FCC Fee Section

Enclosures

Obuchowski Law Office

ATTORNEYS AT LAW

supplemental
information
for
Fee Control

000000BCB-99-001

P. O. Box 60 Route 107
Bethel, Vermont 05032
(802) 234-6244
Fax (802) 234-6245
E-Mail: obi@sover.net

Raymond J. Obuchowski
Bernard M. Lewis
Jennifer Emens-Butler

February 25, 1999

Tom Putnam
F.C.C.
Room 1 A-840
445 12th Street SW
Washington DC 20554

RE: Pro Radio, Inc.
Case No. 97-10001

Dear Mr. Putnam:

Enclosed as per your request please find the Notice of Commencement of Case for Pro-Radio, Inc. Please let me know if you require any additional information.

Very Truly Yours,



Bernard M. Lewis, Esq.

BML/hvg
Enc.

REC'D
FEB 26 1999
FEDERAL COMMUNICATIONS COMMISSION

NOTICE OF COMMENCEMENT OF BANKRUPTCY CASE UNDER CHAPTER 11
OF THE BANKRUPTCY CODE
MEETING OF CREDITORS, AND FIXING OF DATES
(Corporation/Partnership)

Case Number: 97-10001 fgc
Date filed (or Converted) : 1/2/97

IN RE(NAME OF DEBTOR)
Pro-Radio, Inc. 03-0321379

ADDRESS OF DEBTOR
PO Box 150
Middlebury, VT 05753

NAME/ADDRESS OF ATTORNEY FOR DEBTOR
Raymond Joseph Obuchowski
P.O. Box 60
Bethel, VT 05032-0060

NAME/ADDRESS OF TRUSTEE

Telephone Number: (802) 234-6244

Telephone Number:

DATE/TIME/LOCATION OF MEETING OF CREDITORS
March 5, 1997 at 2:00 pm

U.S. Bankruptcy Court - Rutland
The Opera House, 67 Merchants Row
Post Office Box 6648
Rutland, VT 05702-6648

[X] Corporation [] Partnership

DEADLINE TO FILE A PROOF OF CLAIM: For Creditors Other Than Governmental Units: 06/03/97
For Governmental Units: 180 days from the date of Order for Relief.
[or " If the court sets a deadline, creditors will be notified."]

COMMENCEMENT OF CASE. A petition for reorganization under Chapter 11 of the Bankruptcy Code has been filed in this court by or against the debtor named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review Sec. 362 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the commencement of this partnership case. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

MEETING OF CREDITORS. The debtor's representative, as specified in Bankruptcy Rule 9001(5), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

PROOF OF CLAIM. Schedules of creditors have been or will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as disputed, contingent, or unliquidated as to amount may, but is not required to, file a proof of claim in this case. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim. A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. The place to file a proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. Proof of claim forms are available in the clerk's office of any bankruptcy court.

PURPOSE OF CHAPTER 11 FILING. Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The debtor will remain in possession of its property and will continue to operate any business unless a trustee is appointed.

For the Court: Thomas J. Hart, Clerk of the Bankruptcy Court, Dated: 1/17/97

FORM B9F

Obuchowski Law Office

ATTORNEYS AT LAW

P. O. Box 60 Route 107
Bethel, Vermont 05032
(802) 234-6244
Fax (802) 234-6245
E-Mail: obi@sover.net

Raymond J. Obuchowski
Bernard M. Lewis
Jennifer Emens-Butler

August 12, 1999

Carla Conover
Federal Communications Commissions

VIA FAX: 202-418-7540

RE: Pro Radio Inc.
Chapter 11 Case No. 97-10001

Dear Ms. Conover:

Enclosed please find information from the Pacer system showing that the Pro-Radio Bankruptcy is still active in the United States Bankruptcy Court for the District of Vermont.

Please contact me if I can provide you with any additional information.

Very Truly Yours,



Bernard M. Lewis, Esq.

BML/hvg
Enc.

Obuchowski Law Office

ATTORNEYS AT LAW

P. O. Box 60 Route 107
Bethel, Vermont 05032
(802) 234-6244
Fax (802) 234-6245
E-Mail: obi@sover.net

Raymond J. Obuchowski
Bernard M. Lewis
Jennifer Emens-Butler

96-696

Aug 12, 1999

FAX TRANSMITTAL COVER SHEET

TO: Carla Connorek

AT: (FIRM/COMPANY) Federal Commission

FAX NUMBER: 202-418-7540 Recorded on Add-1 730

FROM: Raymond J. Obuchowski, Esquire
Bernard M. Lewis, Esquire
Jennifer Emens-Butler, Esquire

NUMBER OF PAGES TRANSMITTED (Including cover sheet) 4

COMMENT OR MESSAGES: _____

Original to follow in First Class Mail _____ (If checked)
Dictated but not read prior to FAX _____ (If checked)

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Obuchowski Law Office

ATTORNEYS AT LAW

P. O. Box 60 Route 107
Bethel, Vermont 05032
(802) 234-6244
Fax (802) 234-6245
E-Mail: obi@sover.net

Raymond J. Obuchowski
Bernard M. Lewis
Jennifer Emens-Butler

8-25, 1999

FAX TRANSMITTAL COVER SHEET

TO: Carol Conover

AT: (FIRM/COMPANY) FCC

FAX NUMBER: (202) 419-7540 Recorded on Add-1 _____

FROM: Raymond J. Obuchowski, Esquire
Bernard M. Lewis, Esquire
Jennifer Emens-Butler, Esquire

NUMBER OF PAGES TRANSMITTED (Including cover sheet) 5

COMMENT OR MESSAGES: I AM RESENDING MY 8/12 FAX WHICH YOU
APPARENTLY DIDN'T RECEIVE.

Original to follow in First Class Mail _____ (If checked)
Dictated but not read prior to FAX _____ (If checked)

NOTICE OF CONFIDENTIALITY

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Nature of Debtor: bus: ss
Status: 10/02/97 Awaiting Plan Hearing

collecting party information. Please stand by.

Press <RETURN> to continue

Party

Attorney

Pro-Radio, Inc. [03-0321379] [db]
PO Box 150
Middlebury, VT 05753

Raymond Joseph Obuchowski
Obuchowski Law Office
PO Box 60
Bethel, VT 05032-0060
Phone: (802) 234-6244

Collecting schedule and deadline information. Please stand by.

Press <RETURN> to continue

Processing case summary for case 97-10001. Please stand by.

District of Vermont

Bankruptcy Case: 97-10001 Chapter: 11 Office: Rutland
Title: In re: Pro-Radio, Inc.
Judge: Robert L. Krechevsky
Filed: 01/02/97 Term: **/**/** Reopen: **/**/**
ReTerm: **/**/** Discharged: **/**/** Asset: yes
Fee: Paid Voluntary County: Addison
Flags:

Nature of Debtor: business
Status: 10/02/97 Awaiting Plan Hearing

*still status 8/25/99
per Vt. Bk Ct. VCIS
800-260-9956*

Collecting party information. Please stand by.

Press <RETURN> to continue

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0251
CONNECTION TEL	
SUBADDRESS	
CONNECTION ID	
ST. TIME	08/12 03:34
USAGE T	01'48
PGS. SENT	4
RESULT	OK

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Voice Case Info System
800 260 9956
Clerk of Ct
Th. Hart
802 747 7638
vtb.uscourts.gov

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 4 1999

DOCKET FILE COPY ORIGINAL

86-285

OFFICE OF
MANAGING DIRECTOR

Mr. Frank D. McCracken
Executive Vice President
Reading Broadcasting, Inc.
1729 North Eleventh Street
Reading, PA 19604

Re: Request for Waiver of the FY 1998
Regulatory Fee

Dear Mr. McCracken:

This is in response to your request for a waiver of Fiscal Year (FY) 1998 regulatory fee for UHF Television Station WTVE, licensed to Reading Broadcasting, Inc. (RBI). RBI was assessed an FY 1998 regulatory fee of \$14,125 as UHF Television Station, serving the Philadelphia, Pennsylvania market.

Television station WTVE is located in Reading, Pennsylvania, about 38 miles from Philadelphia. You assert that RBI suffered substantial monetary losses in 1996 and 1997; that RBI is several million dollars in debt; and that no salaries have been paid to the beneficial owners of the licensee.

You have submitted summaries of WTVE's finances for the years 1995 through 1997, which indicate that the station lost money in 1996 and 1997. You further maintain that although WTVE paid management fees in 1995 and 1996 to Partel, Inc., a management company owned by Michael R. Parker, who is also president and the sole shareholder in RBI, that no management fees were paid in 1997. You also allege that WTVE has over \$2,000,000 in debt, that it has capitalizing interest payments due, thus increasing WTVE's debt position.

In implementing the regulatory fee program, the Commission recognized that the payment of regulatory fees may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their

individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

You have not supported your waiver request with sufficient documentation of WTVE's financial hardship. The financial data submitted in support of your request are conclusory in nature and do not show the expenses which resulted in WTVE's financial losses, or the extent to which those financial losses may be attributable to deductions for depreciation, amortization or other expenses which could affect cash flow and be considered funds available to pay the regulatory fees. Thus, you have not established a compelling case of financial hardship which would warrant a waiver of the regulatory fee. However, in view of your allegations of financial hardship, we will permit RBI to refile its waiver request with appropriate documentation.

You also contend that WTVE should be considered a small market station because its service area encompasses approximately 420,000 television households. WTVE has a construction permit for a new antenna site which will enable it to serve Philadelphia and about 1,200,000 television households. The Commission's records confirm that WTVE's present service contours do not cover the City of Philadelphia. Therefore, consistent with our ruling on RBI's FY 1995 waiver request, we will calculate WTVE's fee based on the 420,000 television households encompassed by WTVE's present service contours, which would place WTVE in the 51-100 market category. We will reduce WTVE's FY 1998 regulatory fee to \$3,975, the fee assessed for UHF television stations in the 51-100 market category.

Accordingly, your request is granted to the extent that the assessed fee will be reduced to \$3,975. Absent significant changes in population or WTVE's service area, WTVE will be considered as a market 51-100 UHF station in succeeding years, until it completes construction of its new antenna. WTVE's status, as a UHF Station in the 51-100 market category for fee assessment purposes, will be reevaluated after the construction of its new antenna.

Mr. Frank D. McCracken

3.

Payment of WTVE's FY 1998 regulatory fee of \$3,975 is now due. Reading Broadcasting, Inc. should file FCC Form 159 (copy enclosed), together with its fee of \$3975, within 30 days from the date of this letter. However, in view of your allegations, in the alternative you may file a request for a further deferment of the fee payment together with a request for a waiver of the fee supported by appropriate documentation within 30 days from the date of this letter.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Reger', with a long horizontal flourish extending to the right.

Mark Reger,
Chief Financial Officer

Enclosure



000000BCB-98-091

Clawchety / R. M. M. A. T. M.

WTVE • Reading Broadcasting, Inc.

Jerry

September 18, 1998

RECEIVED

SEP 24 2 58 PM '98

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(AHN-FO)

Marilyn J. McDermott
Associate Managing Director
for Operations
Federal Communications Commission
Washington, D.C. 20554

Dear Ms. McDermott:

Re: *Commercial Television Station WTVE
Reading, Pennsylvania
Request for Waiver of Regulatory Fees*

type - see last pg

Reading Broadcasting, Inc. ("RBI"), licensee of commercial television station WTVE, Reading, Pennsylvania, herewith requests that the Commission waive the requirement that RBI pay \$14,175 in fees for Fiscal Year 1995.

RBI's Background: Reading is a small city located about 38 miles northwest from Philadelphia in fairly mountainous terrain. RBI commenced operation of commercial television station WTVE in about 1981. Prior to 1986, the Company attempted to enter the subscription television business, in which a programming service in encrypted form would be broadcast, and subscribers to that service who paid a regular fee to the Company would be provided with decoding equipment to view the signal. That venture was financially ruinous, resulting in the Company's being in substantial debt. In 1986, three creditors forced the Company into bankruptcy under Chapter 11 of the *United States Bankruptcy Code*. The Company was permitted to continue to operate the Station as a debtor in possession while various bankruptcy plans were filed and considered by the United States Bankruptcy Court for the Eastern District of Pennsylvania. In 1991, after the Company had retained the services of Partel, Inc., to manage the Company's affairs, the Company filed its Amended Sixth Modification to the *Fourth Amended Plan of Reorganization*, which was confirmed by the Bankruptcy Court. Pursuant to the *Bankruptcy Plan*, the Company emerged from bankruptcy with one class of stock issued to many persons who formerly had been creditors or claimants of the Company. The Company has been operating WTVE continuously since that time.

From 1986 through September 1996, WTVE was an affiliate of Home Shopping Network, and the station devoted a substantial portion of the broadcast day to HSN programming. Commencing in October 1996, the station became an affiliate of Infomall Television Network, a service of Paxson Communications Corporation. Although the Company anticipated a long-term relationship with that network, Paxson Communications Corporation elected to cease providing Infomall Television Network programming on May 31, 1998, so that it could commence its new

RBI's Market Position: Presently, WTVE's signal reaches about 420,000 television households in its Grade B contour, as determined according to FCC standards.² This area encompasses roughly 3,400 square miles which include all of Berks County and parts of the surrounding eleven-county region. See *Predicted Coverage Map from Mount Penn Site*, attached as **Exhibit 1**.

RBI holds a construction permit to build a new transmission facility on Fancy Hill, Pennsylvania, about 11 miles east of the station's present tower on Mount Penn in the City of Reading. That construction permit is referenced in the *Factbook* report on WTVE. RBI's studies demonstrate that upon completion of its Fancy Hill tower project, WTVE's signal will reach 1.2 million households within a radius of nearly 8,400 square miles. See *Predicted Coverage Map from Fancy Hill Site*, attached as **Exhibit 2**. This improved coverage will also give WTVE the potential to reach nearly 2.0 million television households now connected to cable television systems.

On May 4, 1990, RBI was granted a Construction Permit by the FCC for a new tower and transmitter on a site known as Long Hill. Long Hill was located only about 1/4 miles from the present Fancy Hill site, but site development costs and the inability to reach terms with the landowner resulted in that permit expiring without construction being undertaken. Fancy Hill, the summit of which is located 1,100 feet above mean sea level did not have the same limitations. Thereafter, RBI obtained the current Fancy Hill permit from the FCC on May 3, 1995.

After substantial delay because of zoning problems, the Company proceeded with construction in October 1996. Unfortunately, zoning matters were not resolved, and Earl Township, Pennsylvania — the township in which Fancy hill is located — filed an action known as *Earl Township v. Reading Broadcasting, Inc.*, Case No. 96-11187, in the Berks County Court of Common Pleas, seeking a permanent injunction against RBI constructing the proposed Fancy Hill tower.

On September 15, 1997, the Berks County Court of Common Pleas held that RBI was obligated to obtain from the Earl Township Zoning Officer a determination of whether the proposed Fancy Hill tower construction is exempt from application of zoning regulation because of RBI's claim of status as a public utility corporation under Pennsylvania law. Additionally, the Court ruled that RBI's claim of variance by estoppel must be presented to the Zoning Officer for an administrative determination prior to adjudication before the Court. Thus, RBI was enjoined from proceeding with the Fancy Hill construction pending exhaustion of its administrative remedies.

RBI appealed the Court's ruling. By an *Order* and accompanying decision released June 17, 1998, the Commonwealth Court of Pennsylvania reversed the Common Pleas Court's ruling, and ordered the Common Pleas Court to conduct evidentiary hearings on whether RBI met the

² The three grades of a UHF television signal, City Grade, Grade A and Grade B, are calculated according to the rules of the Federal Communications Commission. See 47 CFR §73.683.

Commonwealth's definition of a "public utility" and was thus exempt from zoning, and also to hear RBI's equitable estoppel argument. However, Earl Township has filed a petition of allocuter with the Supreme Court of Pennsylvania, essentially a petition for writ of *certiorari*. RBI has opposed that petition, but it remains pending. If the Supreme Court were to grant the petition, the parties would then proceed on a briefing schedule to litigate the issue. If the Supreme Court denies the petition, the matter would be remanded to the Common Pleas Court for further hearing.

Obviously, further installation of the new tower is been stalled during the pendency of the litigation brought by Earl Township. Plans for the tower have been prepared by the tower contractor, and RBI and SWOB, Inc., stand ready to place the order as soon as zoning litigation is concluded in favor of RBI.

Conclusion: WTVE is clearly operating as a small-market station on the fringes of the Philadelphia market. The station is slipping year to year financially, and must manage to complete construction at the Fancy Hill site if it hopes to remain viable. The Commission's assessment of a \$14,175 regulatory fee on the station -- a figure which represents one-half of the cash remaining the company on December 31, 1997, is a burden which the Company is unable to bear at present.

Therefore, I ask that the Commission waive RBI's 1997 regulatory fee. This request was prepared under the direction of the undersigned, executive vice president of Reading Broadcasting, Inc., and is true to the best of my personal knowledge. I have signed this letter under penalty of perjury under the laws of the United States.

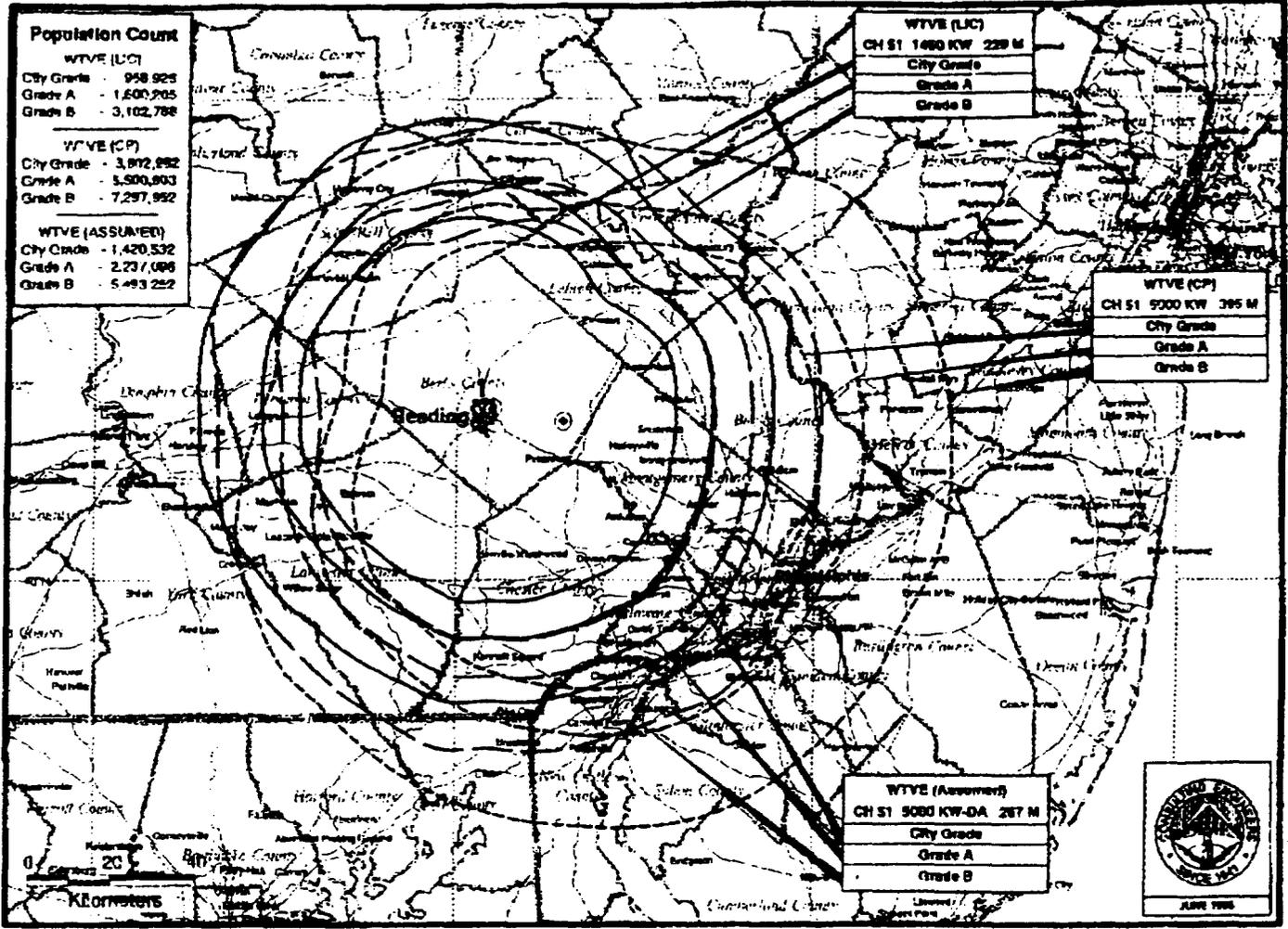
Respectfully submitted,



Frank D. McCracken
Executive Vice President
Reading Broadcasting, Inc.

Attachments (2)

Compare to 1991



Population Count

WTVE (LIC)

City Grade	958,923
Grade A	1,500,903
Grade B	3,102,788

WTVE (CP)

City Grade	3,972,992
Grade A	5,500,903
Grade B	7,297,992

WTVE (ASSUMED)

City Grade	1,420,532
Grade A	2,271,098
Grade B	5,493,222

WTVE (LIC)

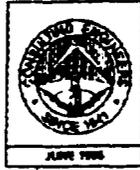
CH 51 1480 KW 229 M
City Grade
Grade A
Grade B

WTVE (CP)

CH 51 5000 KW 395 M
City Grade
Grade A
Grade B

WTVE (Assumed)

CH 51 5000 KW-DA 287 M
City Grade
Grade A
Grade B



0 20 Kilometers

TOTAL 0 00